

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**JOINT STIPULATION TO AMEND
DEADLINES FOR PERSONAL-INJURY
PLAINTIFFS AND TO SET BRIEFING
SCHEDULE FOR REMAND MOTIONS**

This Document Relates to:

Cole Aragona v. Juul Labs, Inc. et al.,
Case No. 3:20-cv-01928;
Jordan Dupree v. Juul Labs, Inc. et al.,
Case No. 3:20-cv-03850;
Kaitlyn Fay v. Juul Labs, Inc. et al.,
Case No. 3:19-cv-07934;
Jennifer Lane v. Juul Labs, Inc. et al.,
Case No. 3:20-cv-04661;
Bailey Legacki v. Juul Labs, Inc. et al.,
Case No. 3:20-cv-01927;
Walker McKnight v. Juul Labs, Inc. et al.,
Case No. 3:20-cv-02600;
Ashlynn NesSmith v. Juul Labs, Inc. et al.,
Case No. 3:19-cv-06344;
Jay Patel v. Juul Labs, Inc. et al.,
Case No. 3:20-cv-06985;
Carson Sedgwick v. Juul Labs, Inc. et al.,
Case No. 3:20-cv-03882;
Ben Shapiro v. Juul Labs, Inc. et al.,
Case No. 19-cv-07428; and
Matthew Tortorici v. Juul Labs, Inc. et al.,
Case No. 3:20-cv-03847

Pursuant to Section VIII of this Court’s Case Management Orders Nos. 17 and 19, and pursuant to the Court’s directive at the January 14, 2025 Case Management Conference, Defendants Juul Labs, Inc. (“JLI”); the JLI Settling Defendants¹; Defendants Altria Group, Inc., Philip Morris USA Inc., Altria Client Services LLC, Altria Enterprises LLC, and Altria Group Distribution Company (“Altria”); and eleven (11) of the personal injury plaintiffs who declined settlements with JLI and/or Altria (collectively referred to herein as the “Parties”) respectfully submit this joint proposed Scheduling Order.

The Parties have met and conferred and agreed to extend the deadlines to conduct Additional Discovery to March 31, 2025 and to commensurately extend the deadlines for *Daubert* and dispositive motions in the following matters: *Cole Aragona v. Juul Labs, Inc. et al.*; *Jordan Dupree v. Juul Labs, Inc. et al.*; *Kaitlyn Fay v. Juul Labs, Inc. et al.*; *Jennifer Lane v. Juul Labs, Inc. et al.*; *Bailey Legacki v. Juul Labs, Inc. et al.*; *Walker McKnight v. Juul Labs, Inc. et al.*; *Ashlynn NesSmith v. Juul Labs, Inc. et al.*; *Carson Sedgwick v. Juul Labs, Inc. et al.*; *Ben Shapiro v. Juul Labs, Inc. et al.*; and *Matthew Tortorici v. Juul Labs, Inc. et al.*

The Parties also have met and conferred and agreed on a schedule for Plaintiffs to brief their remand motions in the following matters: *Kaitlyn Fay v. Juul Labs, Inc. et al.*; *Walker McKnight v. Juul Labs, Inc. et al.*; *Jay Patel v. Juul Labs, Inc. et al.*²; and *Ben Shapiro v. Juul Labs, Inc. et al.*

The Parties hereby submit the proposed Scheduling Order attached as **Exhibit 1**. The Parties have further agreed that these extensions shall not prejudice any Party’s right to seek relief from the Court, including but not limited to further extensions, if a Party believes the need arises

¹ The JLI Settling Defendants include Juul Labs, Inc.; James Monsees; Adam Bowen; Nicholas Pritzker; Hoyoung Huh; and Riaz Valani.

² The *Patel* case is included in the remand briefing schedule but not the Additional Discovery extension schedule because the Additional Discovery period has not yet started in that case. For the avoidance of doubt, and notwithstanding the Parties’ agreement with regard to the agreed remand briefing schedule, Defendants reserve their right to object to remand of *Patel* on the ground that remand is premature in light of that Plaintiff’s failure to satisfy his obligations under the Court’s case management orders. *See, e.g., Morris v. Princess Cruises, Inc.*, 236 F.3d 1061, 1068 (9th Cir. 2001) (when resolving “[f]raudulent joinder claims” the court may “consider[] summary judgment-type evidence such as affidavits and deposition testimony”).

1 in the future.

2 **Additional Discovery.** Based on the status of records collection and fact discovery, the
 3 Parties agree to extend the Additional Discovery period and all later deadlines in the Schlesinger
 4 Firm's MDL and JCCP JUUL cases by 60 days (*i.e.*, the close of the Additional Discovery period
 5 will be extended from January 30, 2025 until March 31, 2025, and all later deadlines likewise will
 6 be extended). As part of this agreement, Defendants will begin using a third-party vendor to
 7 collect outstanding medical records. Plaintiffs will collect and produce all medical records they
 8 can obtain from the medical providers from whom they previously have collected or agreed to
 9 collect records. Plaintiffs will continue to authorize Defendants to collect medical records through
 10 the third-party vendor. This agreement applies only to the 19 currently pending (across both the
 11 MDL and JCCP) Schlesinger cases and not to any future cases. By making this agreement,
 12 Defendants are in no way waiving any rights provided by the Case Management Orders entered in
 13 these cases, and Defendants specifically reserve the right to require the Plaintiffs in any future
 14 cases to collect and provide medical records to Defendants.

15 **Remand Motions.** The Parties have met and conferred and have agreed on a schedule for
 16 Plaintiffs to brief their remand motions in the *Fay*, *McKnight*, and *Shapiro* cases and for a hearing
 17 on those motions.³

18 DATED: January 21, 2025

Respectfully submitted,

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 25 ³ Plaintiff Walker McKnight has passed away, and his parents, who are also named
 26 Plaintiffs, are in the process of opening an estate. Plaintiffs believe that an estate will be opened
 27 and substituted in time to have these motions heard. The Parties will endeavor to take the
 28 depositions of the Plaintiffs in the *Fay* and *Shapiro* cases, and Plaintiffs have provided Defendants
 with dates of availability. Plaintiffs, however, maintain that these depositions are not prerequisites
 to a hearing on the remand motions. Defendants maintain that depositions are necessary before
 their responses to the remand motions are due.

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